



General Assembly

February Session, 2014

***Raised Bill No. 381***

LCO No. 2197



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING THE TASK FORCE ON VICTIM PRIVACY AND  
THE PUBLIC'S RIGHT TO KNOW.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (b) of section 1-210 of the 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2014*):

4 (b) Nothing in the Freedom of Information Act shall be construed to  
5 require disclosure of:

6 (1) Preliminary drafts or notes provided the public agency has  
7 determined that the public interest in withholding such documents  
8 clearly outweighs the public interest in disclosure;

9 (2) Personnel or medical files and similar files the disclosure of  
10 which would constitute an invasion of personal privacy;

11 (3) Records of law enforcement agencies not otherwise available to  
12 the public which records were compiled in connection with the

13 detection or investigation of crime, if the disclosure of said records  
14 would not be in the public interest because it would result in the  
15 disclosure of (A) the identity of informants not otherwise known or the  
16 identity of witnesses not otherwise known whose safety would be  
17 endangered or who would be subject to threat or intimidation if their  
18 identity was made known, (B) the identity of [minor] witnesses (i) to a  
19 drug offense under chapter 420b, a sexual offense under subdivision  
20 (2) of subsection (a) of section 53-21 or part VI of chapter 952 or a crime  
21 of violence, (ii) who are under the age of eighteen at the time of  
22 witnessing such offense or crime or making a statement to a law  
23 enforcement agency concerning such offense or crime, (C) signed  
24 statements of witnesses, (D) information to be used in a prospective  
25 law enforcement action if prejudicial to such action, (E) investigatory  
26 techniques not otherwise known to the general public, (F) arrest  
27 records of a juvenile, which shall also include any investigatory files,  
28 concerning the arrest of such juvenile, compiled for law enforcement  
29 purposes, (G) the name and address of the victim of a sexual assault  
30 under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or  
31 injury or risk of injury, or impairing of morals under section 53-21, or  
32 of an attempt thereof, or (H) uncorroborated allegations subject to  
33 destruction pursuant to section 1-216;

34 (4) Records pertaining to strategy and negotiations with respect to  
35 pending claims or pending litigation to which the public agency is a  
36 party until such litigation or claim has been finally adjudicated or  
37 otherwise settled;

38 (5) (A) Trade secrets, which for purposes of the Freedom of  
39 Information Act, are defined as information, including formulas,  
40 patterns, compilations, programs, devices, methods, techniques,  
41 processes, drawings, cost data, customer lists, film or television scripts  
42 or detailed production budgets that (i) derive independent economic  
43 value, actual or potential, from not being generally known to, and not  
44 being readily ascertainable by proper means by, other persons who can  
45 obtain economic value from their disclosure or use, and (ii) are the

46 subject of efforts that are reasonable under the circumstances to  
47 maintain secrecy; and

48 (B) Commercial or financial information given in confidence, not  
49 required by statute;

50 (6) Test questions, scoring keys and other examination data used to  
51 administer a licensing examination, examination for employment or  
52 academic examinations;

53 (7) The contents of real estate appraisals, engineering or feasibility  
54 estimates and evaluations made for or by an agency relative to the  
55 acquisition of property or to prospective public supply and  
56 construction contracts, until such time as all of the property has been  
57 acquired or all proceedings or transactions have been terminated or  
58 abandoned, provided the law of eminent domain shall not be affected  
59 by this provision;

60 (8) Statements of personal worth or personal financial data required  
61 by a licensing agency and filed by an applicant with such licensing  
62 agency to establish the applicant's personal qualification for the  
63 license, certificate or permit applied for;

64 (9) Records, reports and statements of strategy or negotiations with  
65 respect to collective bargaining;

66 (10) Records, tax returns, reports and statements exempted by  
67 federal law or the general statutes or communications privileged by  
68 the attorney-client relationship, marital relationship, clergy-penitent  
69 relationship, doctor-patient relationship, therapist-patient relationship  
70 or any other privilege established by the common law or the general  
71 statutes, including any such records, tax returns, reports or  
72 communications that were created or made prior to the establishment  
73 of the applicable privilege under the common law or the general  
74 statutes;

75 (11) Names or addresses of students enrolled in any public school or  
76 college without the consent of each student whose name or address is  
77 to be disclosed who is eighteen years of age or older and a parent or  
78 guardian of each such student who is younger than eighteen years of  
79 age, provided this subdivision shall not be construed as prohibiting the  
80 disclosure of the names or addresses of students enrolled in any public  
81 school in a regional school district to the board of selectmen or town  
82 board of finance, as the case may be, of the town wherein the student  
83 resides for the purpose of verifying tuition payments made to such  
84 school;

85 (12) Any information obtained by the use of illegal means;

86 (13) Records of an investigation or the name of an employee  
87 providing information under the provisions of section 4-61dd or  
88 sections 17b-301c to 17b-301g, inclusive;

89 (14) Adoption records and information provided for in sections 45a-  
90 746, 45a-750 and 45a-751;

91 (15) Any page of a primary petition, nominating petition,  
92 referendum petition or petition for a town meeting submitted under  
93 any provision of the general statutes or of any special act, municipal  
94 charter or ordinance, until the required processing and certification of  
95 such page has been completed by the official or officials charged with  
96 such duty after which time disclosure of such page shall be required;

97 (16) Records of complaints, including information compiled in the  
98 investigation thereof, brought to a municipal health authority pursuant  
99 to chapter 368e or a district department of health pursuant to chapter  
100 368f, until such time as the investigation is concluded or thirty days  
101 from the date of receipt of the complaint, whichever occurs first;

102 (17) Educational records which are not subject to disclosure under  
103 the Family Educational Rights and Privacy Act, 20 USC 1232g;

104 (18) Records, the disclosure of which the Commissioner of  
105 Correction, or as it applies to Whiting Forensic Division facilities of the  
106 Connecticut Valley Hospital, the Commissioner of Mental Health and  
107 Addiction Services, has reasonable grounds to believe may result in a  
108 safety risk, including the risk of harm to any person or the risk of an  
109 escape from, or a disorder in, a correctional institution or facility under  
110 the supervision of the Department of Correction or Whiting Forensic  
111 Division facilities. Such records shall include, but are not limited to:

112 (A) Security manuals, including emergency plans contained or  
113 referred to in such security manuals;

114 (B) Engineering and architectural drawings of correctional  
115 institutions or facilities or Whiting Forensic Division facilities;

116 (C) Operational specifications of security systems utilized by the  
117 Department of Correction at any correctional institution or facility or  
118 Whiting Forensic Division facilities, except that a general description  
119 of any such security system and the cost and quality of such system  
120 may be disclosed;

121 (D) Training manuals prepared for correctional institutions and  
122 facilities or Whiting Forensic Division facilities that describe, in any  
123 manner, security procedures, emergency plans or security equipment;

124 (E) Internal security audits of correctional institutions and facilities  
125 or Whiting Forensic Division facilities;

126 (F) Minutes or recordings of staff meetings of the Department of  
127 Correction or Whiting Forensic Division facilities, or portions of such  
128 minutes or recordings, that contain or reveal information relating to  
129 security or other records otherwise exempt from disclosure under this  
130 subdivision;

131 (G) Logs or other documents that contain information on the  
132 movement or assignment of inmates or staff at correctional institutions

133 or facilities; and

134 (H) Records that contain information on contacts between inmates,  
135 as defined in section 18-84, and law enforcement officers;

136 (19) Records when there are reasonable grounds to believe  
137 disclosure may result in a safety risk, including the risk of harm to any  
138 person, any government-owned or leased institution or facility or any  
139 fixture or appurtenance and equipment attached to, or contained in,  
140 such institution or facility, except that such records shall be disclosed  
141 to a law enforcement agency upon the request of the law enforcement  
142 agency. Such reasonable grounds shall be determined (A) (i) by the  
143 Commissioner of Administrative Services, after consultation with the  
144 chief executive officer of an executive branch state agency, with respect  
145 to records concerning such agency; and (ii) by the Commissioner of  
146 Emergency Services and Public Protection, after consultation with the  
147 chief executive officer of a municipal, district or regional agency, with  
148 respect to records concerning such agency; (B) by the Chief Court  
149 Administrator with respect to records concerning the Judicial  
150 Department; and (C) by the executive director of the Joint Committee  
151 on Legislative Management, with respect to records concerning the  
152 Legislative Department. As used in this section, "government-owned  
153 or leased institution or facility" includes, but is not limited to, an  
154 institution or facility owned or leased by a public service company, as  
155 defined in section 16-1, a certified telecommunications provider, as  
156 defined in section 16-1, a water company, as defined in section 25-32a,  
157 or a municipal utility that furnishes electric, gas or water service, but  
158 does not include an institution or facility owned or leased by the  
159 federal government, and "chief executive officer" includes, but is not  
160 limited to, an agency head, department head, executive director or  
161 chief executive officer. Such records include, but are not limited to:

162 (i) Security manuals or reports;

163 (ii) Engineering and architectural drawings of government-owned

164 or leased institutions or facilities;

165 (iii) Operational specifications of security systems utilized at any  
166 government-owned or leased institution or facility, except that a  
167 general description of any such security system and the cost and  
168 quality of such system, may be disclosed;

169 (iv) Training manuals prepared for government-owned or leased  
170 institutions or facilities that describe, in any manner, security  
171 procedures, emergency plans or security equipment;

172 (v) Internal security audits of government-owned or leased  
173 institutions or facilities;

174 (vi) Minutes or records of meetings, or portions of such minutes or  
175 records, that contain or reveal information relating to security or other  
176 records otherwise exempt from disclosure under this subdivision;

177 (vii) Logs or other documents that contain information on the  
178 movement or assignment of security personnel;

179 (viii) Emergency plans and emergency preparedness, response,  
180 recovery and mitigation plans, including plans provided by a person  
181 to a state agency or a local emergency management agency or official;  
182 and

183 (ix) With respect to a water company, as defined in section 25-32a,  
184 that provides water service: Vulnerability assessments and risk  
185 management plans, operational plans, portions of water supply plans  
186 submitted pursuant to section 25-32d that contain or reveal  
187 information the disclosure of which may result in a security risk to a  
188 water company, inspection reports, technical specifications and other  
189 materials that depict or specifically describe critical water company  
190 operating facilities, collection and distribution systems or sources of  
191 supply;

192 (20) Records of standards, procedures, processes, software and

193 codes, not otherwise available to the public, the disclosure of which  
194 would compromise the security or integrity of an information  
195 technology system;

196 (21) The residential, work or school address of any participant in the  
197 address confidentiality program established pursuant to sections 54-  
198 240 to 54-240o, inclusive;

199 (22) The electronic mail address of any person that is obtained by  
200 the Department of Transportation in connection with the  
201 implementation or administration of any plan to inform individuals  
202 about significant highway or railway incidents;

203 (23) The name or address of any minor enrolled in any parks and  
204 recreation program administered or sponsored by any public agency;

205 (24) Responses to any request for proposals or bid solicitation issued  
206 by a public agency or any record or file made by a public agency in  
207 connection with the contract award process, until such contract is  
208 executed or negotiations for the award of such contract have ended,  
209 whichever occurs earlier, provided the chief executive officer of such  
210 public agency certifies that the public interest in the disclosure of such  
211 responses, record or file is outweighed by the public interest in the  
212 confidentiality of such responses, record or file;

213 (25) The name, address, telephone number or electronic mail  
214 address of any person enrolled in any senior center program or any  
215 member of a senior center administered or sponsored by any public  
216 agency;

217 (26) All records obtained during the course of inspection,  
218 investigation, examination and audit activities of an institution, as  
219 defined in section 19a-490, that are confidential pursuant to a contract  
220 between the Department of Public Health and the United States  
221 Department of Health and Human Services relating to the Medicare  
222 and Medicaid programs;

223 (27) Any record created by a law enforcement agency or other  
224 federal, state, or municipal governmental agency consisting of a  
225 photograph, film, video or digital or other visual image depicting the  
226 body or any portion of the body of a victim of a homicide, to the extent  
227 that the disclosure of such record could reasonably be expected to  
228 constitute an unwarranted invasion of [the] personal privacy, [of the  
229 victim or the victim's surviving family members.] provided nothing in  
230 this subdivision shall be construed to prohibit the inspection of such a  
231 record in accordance with section 2 of this act;

232 (28) Any record created by a law enforcement agency or other  
233 federal, state or municipal governmental agency consisting of an audio  
234 recording of an emergency 9-1-1 call or other call for assistance that is  
235 made by a member of the public when such call (A) relates to a  
236 homicide, and (B) captures, conveys or relates to the impaired physical  
237 condition of the caller or another person, to the extent that the  
238 disclosure of such record could reasonably be expected to constitute an  
239 unwarranted invasion of personal privacy, provided nothing in this  
240 subdivision shall be construed to prohibit listening to such record in  
241 accordance with section 2 of this act;

242 (29) Any record created by a law enforcement agency or other  
243 federal, state or municipal governmental agency consisting of an audio  
244 recording that is an operative communication among law enforcement  
245 personnel when such communication (A) relates to a homicide, and (B)  
246 captures, conveys or relates the impaired physical condition of the  
247 caller or another person, to the extent that the disclosure of such record  
248 could reasonably be expected to constitute an unwarranted invasion of  
249 personal privacy, provided nothing in this subsection shall be  
250 construed to prohibit listening to such record in accordance with  
251 section 2 of this act.

252 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) As used in this section:

253 (1) "Image" means a record described in subdivision (27) of

254 subsection (b) of section 1-210 of the general statutes, as amended by  
255 this act, and

256 (2) "Audio recording" means a record described in subdivision (28)  
257 or (29) of subsection (b) of section 1-210 of the general statutes, as  
258 amended by this act.

259 (b) A public agency shall permit any person to view an image or to  
260 listen to an audio recording at the office or place of business of such  
261 agency during regular office or business hours. In the case of an audio  
262 recording, the agency shall, upon request, provide a transcript of the  
263 audio recording for a fee not to exceed the cost to the agency of making  
264 such transcript.

265 (c) Whenever a public agency receives a request from any person to  
266 copy or receive a copy of any image or audio recording, and the  
267 agency reasonably believes that the copying of such image or audio  
268 recording could constitute an unwarranted invasion of personal  
269 privacy, the agency shall immediately notify in writing, as the case  
270 may be, the homicide victim's next of kin or, if an audio recording, any  
271 person who is recorded on such audio recording, or the legal  
272 representative of such next of kin or person. Nothing in this section  
273 shall require an agency to withhold from copying an image or audio  
274 recording when the agency does not reasonably believe that such  
275 copying would constitute an unwarranted invasion of personal  
276 privacy.

277 (d) A public agency that has provided notice under subsection (c) of  
278 this section shall permit the copying of or provide a copy of the image  
279 or audio recording as requested, unless it receives a written objection  
280 to such copying from the homicide victim's next of kin or any person  
281 who is recorded on an audio recording or the legal representative of  
282 such next of kin or person, if any, not later than seven business days  
283 from the date on which such written notice was sent. Each objection  
284 filed under this subsection shall be on a form prescribed by the public

285 agency, which shall consist of a statement to be signed by the person or  
286 persons filing the objection, under the penalties of false statement, that  
287 to the best of his or her knowledge, information and belief there is  
288 good ground to support the objection. Upon the filing of an objection  
289 as provided in this subsection, the agency shall not permit the copying  
290 of the requested records unless ordered to do so by the Freedom of  
291 Information Commission pursuant to section 1-206 of the general  
292 statutes. Failure to comply with a request to copy or receive a copy of  
293 records under this section shall constitute a denial for the purposes of  
294 section 1-206 of the general statutes. If the Freedom of Information  
295 Commission orders the public agency to permit the copying of the  
296 requested records, said commission shall provide not less than twenty-  
297 four hours advance notice of such order to the person or persons filing  
298 the objection.

299 (e) Except as provided in subsection (d) of this section, no public  
300 agency shall permit a person to remove, copy or otherwise duplicate  
301 an image or audio recording.

302 (f) Any person who removes, copies or otherwise duplicates an  
303 image or audio recording in violation of this section shall be guilty of a  
304 class A misdemeanor and each distinct violation of this section shall  
305 constitute a separate offense.

306 Sec. 3. (*Effective from passage*) The Legislative Program Review and  
307 Investigations Committee shall conduct a study regarding victim  
308 privacy and all of its aspects and make recommendations for any  
309 necessary legislative changes. On or before January 1, 2015, said  
310 committee shall submit, in accordance with the provisions of section  
311 11-4 of the general statutes, its findings and recommendations  
312 concerning such study to the joint standing committees of the General  
313 Assembly having cognizance of matters relating to government  
314 administration and the judiciary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	1-210(b)
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>from passage</i>	New section

***Statement of Purpose:***

To implement the recommendations of the Task Force on Victim Privacy and the Public's Right to Know.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*